

ATTACHMENT 15

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

CISCO CONFIDENTIAL/ARISTA CONFIDENTIAL
OUTSIDE ATTORNEYS' EYES ONLY
VIDEO DEPOSITION OF TERRY EGER
Palo Alto, California
Wednesday, May 25, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546
JOB NO. 2320115
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1 draw on it because there was no packet. It wasn't 10:41:03
2 packetized. I got up and drew the packets for them
3 on the board, and all the engineers laughed.

4 So, yes, I understand, but I am not a
5 design engineer. 10:41:13

6 Q. And I take it, sir, that you have not
7 designed any router hardware --

8 A. I have never --

9 Q. -- or such --

10 A. -- designed router hardware. I have 10:41:19
11 never designed router software.

12 Q. Okay. Have you ever designed any type of
13 command-line interface technology?

14 A. No.

15 Q. Okay. And have you ever designed any 10:41:32
16 operating systems?

17 A. No.

18 In fact -- in fact, let me go a step
19 further because you're going to ask me the question
20 later anyway. Okay? 10:41:44

21 MR. FERRALL: Doesn't mean he won't ask
22 it again, but go ahead.

23 THE DEPONENT: To me -- to me, command
24 line -- you know, CLIs, to me, when I was at Cisco,
25 were telenetting to the box and being able to 10:41:54

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1 | configure it. We didn't even call them CLIs. 10:41:59
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	[REDACTED]	[REDACTED]	[REDACTED]
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	[REDACTED]		

1 Q. Okay. Can you think of any other 11:44:02
2 instance in recent times that Cisco has sued a
3 company other than Huawei and Arista?

4 MR. FERRALL: Objection. Lacks
5 foundation. 11:44:11

6 THE DEPONENT: I am unaware of -- of any
7 other situation. I am very aware that -- that, in
8 my opinion -- okay. I just -- I just haven't seen
9 a lot of this. I don't think this -- I believe
10 that companies should spend their money building 11:44:31
11 the best possible products and competing in the
12 marketplace.

13 Q. (By Mr. Pak) Do you know whether, in
14 fact, Arista en- -- engineers had copied the
15 command-line interface for Cisco switches into 11:44:52
16 their products?

17 A. My comment would be: Since I consider --

18 MR. FERRALL: Let me just interject,
19 while you are pausing, a lack-of-foundation
20 objection. 11:45:11

21 Go ahead. You can continue your answer.

22 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11:45:28

1 [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED]

7 Now, do I believe that Cisco created some
8 CLIs? Sure I do. Do I believe that maybe Juniper
9 created a few? Sure I do. I don't know. Do I
10 believe that a lot of other people created them? 11:46:08
11 Yes.

12 So the answer that I have is: Everybody
13 did it. I don't -- I don't know why it's a problem
14 now.

15 Q. (By Mr. Pak) Let's be very specific, 11:46:26
16 sir.

17 What I'm asking you is: As a factual
18 matter, do you have an understanding --

19 A. My --

20 Q. Let me -- let me -- 11:46:33

21 A. No.

22 Q. -- ask my question.

23 As a factual matter, do you have an
24 understand, one way or the other, whether Arista
25 engineers copied Cisco's command-line interface 11:46:40

1 given me enough information that I can answer that 11:49:23
2 question.

3 Q. Okay. So let's take a look at, for
4 example, in the middle there, there's a command
5 call "BGP client-to-client-reflection." 11:49:31

6 A. Well, let me ask you question, and I -- I
7 know I'm not supposed to ask questions, but --

8 Q. Yeah, you can't ask me a question.

9 A. What's that?

10 Q. You can't ask me a question. 11:49:40

11 A. Well, unless you define who created it
12 and -- and -- and the documentation on whether this
13 was a copied by Cisco/VITALink command, whether
14 this came from -- from Ungermann-Bass, whether this
15 came from the -- the Butterflies that were built 11:49:54
16 with BB&N, unless you can explain the context to me
17 of where it originally came from or whether it was
18 written by -- there's so many people that have
19 written some of these, I -- I can't comment on it.

20 Q. So sitting here today, all I can ask you 11:50:12
21 is ask you questions about what you know.

22 A. I know nothing about it.

23 Q. Okay. So you know nothing about what the
24 commands that are specifically in Exhibit 1 are?

25 A. No. I don't know who created them -- 11:50:23

1 So you're -- I'm not -- I love stories as 12:06:15
2 well. I'm not interested in stories here today.
3 A. I understand.
4 Q. And all -- what I want to understand is
5 relevant information that you may or may not have 12:06:22
6 about the issues that are in this case.
7 A. I don't understand the issues.
8 Q. Okay.
9 A. My only issue -- the only thing I'm
10 providing is how we sold and what we told the 12:06:32
11 customers. That's all.
12 Q. I take it that you have lots of stories
13 that have nothing --
14 A. Oh, yeah.
15 Q. -- to do with that. 12:06:40
16 A. Oh, yeah.
17 Q. Okay. I'm not interested in that. I'm
18 sure Mr. Ferrall is not interested in that.
19 A. Jeez.
20 Q. Did he tell you that? 12:06:46
21 MR. FERRALL: I don't know about that.
22 Q. (By Mr. Pak) Did he tell you -- did
23 Mr. Ferrall tell you to him stories about Cisco's
24 days --
25 A. No -- 12:06:53

1 whatever information you might have on the -- the 12:11:06
2 topic of the already sales efforts involving Cisco
3 that you mentioned.

4 Are you with me?

5 A. Okay. Ask me a question. 12:11:16

6 Q. Okay. So you were at Cisco from what --
7 from when to when?

8 A. I started with Cisco about the first of
9 the year in '80 -- I was hired in late '87. I
10 started early 1988. Can't tell you exactly what 12:11:33
11 day, first few days of the year, and I left four
12 years and two or three weeks later, after the stock
13 was vested.

14 Q. Okay.

15 A. And Cisco offered me a board seat, which 12:11:48
16 I declined.

17 Q. And your title during that time period
18 was what?

19 A. I was vice president of sales.

20 Now, I always use "vice president of 12:12:01
21 sales." When I first got there, I was worldwide.
22 I told them that I was not going to go to Europe to
23 hire a European guy.

24 During that period of time, I held
25 business development. I held worldwide support. 12:12:14

1 that's my address and pulls it. Okay? 12:15:15

2 So it's a very different concept. They

3 both used CLIs, which we called "configuring" --

4 okay? -- to set up the product. Okay? That was

5 something that, in my time that I was there, was 12:15:36

6 never an issue because everybody was compatible

7 there.

8 All the IEEE functions were built around

9 moving packets across the network and being able to

10 have them in standards and how you moved them in 12:15:52

11 standards so that you could go in and you could

12 take a Cisco box and put it in the middle of a

13 bridged VITALink network or that a Proteon and a

14 Cisco would compete, and, normally, you used a

15 routing protocol called "RIP," R-I-P, and -- and -- 12:16:09

16 and -- and you could build a network.

17 Now, that was important to Cisco because

18 we were a very small company. We needed to be able

19 to go in and tell people that, "Try our box," and,

20 "You can put it in the middle of your network and 12:16:30

21 it will run. You don't have to retrain your

22 people. You don't have to do anything." It would

23 be very much like having an automobile where --

24 where Tesla comes along, and everybody uses the

25 steering wheel for the -- for the user interface, 12:16:51

1 and coming along and saying, well, somebody now has 12:16:53
2 patented the steering wheel so we can't use it, so
3 we are going to go to a different kind of device to
4 guide the car from a user interface perspective.
5 So it was never -- it was never particularly an 12:17:10
6 issue.
7 By the way, I can read that upside down.
8 I'm a salesman. You got to change your DVD.
9 Anyway, you know --
10 Q. So let me -- let me just make sure I get 12:17:23
11 very specific about the questions and the answers.
12 VITALink, at the time, what kind of
13 equipment were they selling?
14 A. They were selling bridges.
15 Q. Okay. Proteon, what type of equipment 12:17:33
16 were they selling?
17 A. Routers.
18 Q. Okay. And --
19 A. 3Com was bridges.
20 Q. 3Com was bridges. 12:17:44
21 A. Wellfleet, it was routers. BB&N with the
22 Butterfly was routers. Ungermann-Bass was -- was a
23 rudimentary router. I can't think of anybody else
24 off the top of my head that I really ever competed
25 with big time. 12:18:03

1 commands that were supported by BBN? Have you ever 12:18:55
2 done a comparison?
3 A. No.
4 Q. Okay.
5 A. We all supported the same things. 12:19:03
6 Q. Sitting here today --
7 A. But I don't know who created them.
8 Q. Okay. You don't know --
9 A. And -- oh, no, by the way -- by the way,
10 I don't know how many -- I -- I -- I -- I assume 12:19:10
11 you are very well aware of where the Cisco code
12 came from.
13 Q. Let me step back --
14 A. Okay.
15 Q. -- and focus on the things that we're 12:19:21
16 talking about, which is CLI commands.
17 A. Well, I'm talking about CLI commands when
18 I ask that question.
19 Q. Mr. Eger, I'm asking you, on the record,
20 whether you have done any kind of comparison -- 12:19:33
21 A. I have done none.
22 Q. Okay. -- of any of the CLI commands --
23 A. I don't have a clue who created which
24 ones.
25 Q. Okay. So you don't have a factual 12:19:42

1 understanding of how any of the commands that were 12:19:44
2 used by these companies you mentioned on the record
3 were created and how they compared to each other,
4 correct? Is that true, "yes" or "no"?

5 A. No, it's not true. 12:20:01

6 Q. Okay. Do --

7 A. Where it is true is that everybody used
8 and copied the same ones from each other. So I
9 don't know who created them, but we all used the
10 same CLIs. I don't know who created them. 12:20:17

11 Q. Did you speak with anyone at Proteon
12 about the development of their CLI?

13 A. No.

14 Q. Did you ever speak with anyone at BBN
15 about the development of their CLI? 12:20:39

16 A. No.

17 Q. Did you ever speak with anyone at
18 Ungermann-Bass about the development of their CLI?

19 A. No.

20 Q. Did you -- 12:20:48

21 A. No to all the others, but no.

22 Q. Okay. So you've never spoken with
23 anyone at --

24 A. Nobody.

25 Q. -- any of companies -- 12:20:52

1 A. Nor Cisco. 12:20:53

2 Q. -- about the development of their CLI?

3 A. That's correct.

4 Q. Okay.

5 A. Nor Arista. 12:20:59

6 Q. As you sit here today, do you know
7 whether there were, in fact, any differences in the
8 specific commands that were used between these
9 companies that you mentioned on the record?

10 A. That's -- that's too ambiguous for me to 12:21:19
11 answer.

12 Q. Okay. You don't know with certainty,
13 sitting here today, whether there were, in fact,
14 different commands that were used for the same
15 functionality? 12:21:29

16 A. I know that when we installed a box in
17 somebody else's network, that all the commands were
18 similar or worked so that people didn't call us,
19 because we didn't have the ability or the people to
20 hold the classes on how to configure our networks. 12:21:49

21 Q. Okay.

22 A. Now, that does not say that we didn't
23 teach some people who didn't have anything. But
24 existing networks, you could take a Cisco box and
25 install it, and the customer sat down and 12:22:03

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1 configured it using the same commands that they 12:22:05
2 used to configure the boxes they had before.

3 Q. Sitting here today, do you know with
4 certainty whether there were, in fact, different
5 commands that were used across these different 12:22:14
6 product lines?

7 A. No.

8 Q. Sitting here today, do you know whether
9 any of these commands that you just mentioned from
10 back in the 1987 to 1992 are still in use today in 12:22:32
11 IOS products by Cisco?

12 A. Since I coined the term "IOS," I at least
13 understand what it is.

14 Q. Not my question.

15 A. My answer. 12:22:51

16 Since I don't know what the original
17 commands were and I don't know what the current
18 commands were, it's only logical that my -- that my
19 answer is I don't know.

20 MR. PAK: All right. I apologize, 12:23:11
21 Mr. Eger. We should change our DVD, and then we
22 can continue.

23 THE DEPONENT: Go ahead.

24 MR. PAK: Great.

25 THE VIDEOGRAPHER: The time is 12:23 p.m. 12:23:20

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1 -- 268280, and it was produced to us from 12:32:36
2 Arista's counsel.

3 THE DEPONENT: The date on is it February
4 of what?

5 MR. FERRALL: I don't know. 12:32:48

6 Q. (By Mr. Pak) All right. Do you plan on
7 testifying at the trial?

8 A. I will do whatever they want me to do.

9 Q. Okay.

10 A. Whatever everybody wants me to do. I 12:33:18
11 understand it's in November, which is a good time
12 for me. We travel a couple of months out of the
13 year, so hopefully it doesn't screw me up.

14 But go ahead.

15 Q. Okay. Setting aside the topics that we 12:33:35
16 talked about today -- actually, let me step back.

17 The -- what -- what was the type of
18 product that you were selling for Cisco from 1988
19 to 1992?

20 A. Routers. 12:33:53

21 Q. Do you remember --

22 A. AGS, AGS Pluses, all the -- all the other
23 products. I'm a -- I was a router salesman.

24 The -- the -- the Crescendo products, the 6000s and

25 whatever that are later, came after me, so we were 12:34:06

1 not selling -- I was not selling switches. 12:34:11

2 Q. Okay.

3 A. CGSs, all -- all the -- the router line,

4 which is now, I believe, the smaller part of

5 Cisco's business. 12:34:33

6 Q. We talked about some of the companies
7 that were in this space.

8 Can you think of any other companies that
9 were in the router business in 1988 to 1992?

10 A. Well, that -- that's -- that's sort of 12:34:49

11 hard to answer because, you know, we were what they
12 called a "multiprotocol router." And, of course,
13 you can put a multiprotocol router in a network and
14 you could put a bridge in a network that had

15 multiprotocols, because all it did was took packets 12:35:05
16 from one side and moved them to the other.

17 Digital had a router that was decknet
18 only. So, I mean, you know, there were other
19 products that I didn't see very often.

20 Q. Who -- who would you consider to be the 12:35:23
21 primary competitors of Cisco from 1988 to 1992 for
22 your product lines?

23 A. Well, when I got there, it was -- it was
24 probably, more than anything else, from a bridge
25 perspective -- 3Com had been installed earlier. 12:35:37

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1 A. Yes. 12:41:45

2 MR. FERRALL: Objection. Lacks
3 foundation.

4 THE DEPONENT: Yes, because -- because
5 that was a part of it. 12:41:49

6 Part of the interoperability was the
7 ability to take an organization -- it's like going
8 in and me saying that -- I'm selling Airbus, and I
9 go into a Boeing customer and I say to Boeing,
10 "Hey, your -- your people can -- can -- the plane 12:42:01
11 flies. It does all the same things that you do.
12 So, therefore, my price is this; theirs is this.
13 You should make the decision."

14 Well, the fact is, it's training the
15 pilots. It's training of whatever. That's all 12:42:16
16 part of what goes into the decision.

17 And I made the point, when I was out
18 there selling, that that wasn't the cost. And I
19 did it for four years, and the strategies were
20 built on that. 12:42:29

21 So Cisco benefited by the fact that
22 everything was interoperability, including the
23 installation, and now it's different. That's my
24 only issue, because Cisco is trying to take what
25 was interoperability and now say that you don't 12:42:48

1 interoperate for these reasons, or you got to 12:42:54

2 retrain people.

3 Or guess what? Now gives -- I basically

4 was able to install my product and there wasn't any

5 more cost because I had to retrain people, use 12:43:01

6 other things, and now Cisco is saying, oh,

7 everything interoperates, but you have additional

8 cost if you try to complete on product because I'm

9 going to add this cost, which, by the way, I didn't

10 do for -- for a lot of years. But now you are 12:43:16

11 gonna -- now I'm gonna do it to the next group.

12 It's -- and I understand it. It's, how do I to

13 take advantage of the situation. It's not the

14 spirit of how Cisco was built.

15 Q. (By Mr. Pak) Now, sir, again, a lot has 12:43:30

16 happened in the industry from 1992 to today, in

17 2016, you would agree, correct?

18 A. I don't know. I don't know that for a

19 fact.

20 Q. Okay. Cisco sued Huawei because it used 12:43:45

21 the same commands?

22 A. Cisco --

23 MR. FERRALL: Objection. Lacks

24 foundation.

25 THE DEPONENT: I don't know that. 12:43:52

1 I, TERRY EGER, do hereby declare under penalty of
2 perjury that I have read the foregoing transcript; that
3 I have made any corrections as appear notes; that my
4 testimony as contained herein, as corrected, is true and
5 correct.

6 Executed this ____ day of _____,
7 2016, at _____, _____.

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11 _____
TERRY EGER
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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me
4 at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were administered an oath; that a record of
7 the proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is true record of the
10 testimony given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or any party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

20
21 Dated: June 7, 2016

22 
23

Rebecca L. Romano, RPR,
24 CSR. No 12546
25